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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,977	04/12/2001	Simon Viruthakulangara Abraham	Abraham 1	2073
7590	10/24/2003		EXAMINER	
WALTER W. DUFT			BUI, BING Q	
LAW OFFICE OF WALTER W. DUFT				
10255 MAIN STREET			ART UNIT	PAPER NUMBER
SUITE 10			2642	
CLARENCE, NY 14031			DATE MAILED: 10/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/833,977	ABRAHAM, SIMON VIRUTHAKULANGARA	
Examiner	Art Unit		
Bing Q Bui	2642		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 April 2001 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-24 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-24 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devillier et al (US Pat No. 6,366,661) in view of Bansal et al (US Pat No. 6,208,726), herein after referred as Devillier and Bansal.

**Regarding claim 1**, Devillier teaches a method for providing communication assistance service based call alerting to an on-line data network user who has not pre-subscribed for automated data network call notification service, comprising the steps of:

receiving at a voice network resource managed by a communication assistance service entity a request from a caller in said voice network for establishment of a voice network call connection to said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57);

collecting call request information (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57);

notifying said on-line user of said call request via said data network (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57);

prompting said on-line user for a call handling action (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57);

collecting a response from said on-line user (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57); and

processing said response such that if said response is to receive said voice network call connection, said on-line user is connected to said caller (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57).

As it can be seen, Bajzath teaches the invention substantially as claimed, with the exception of providing the method of establishing a call alert charging strategy relative to said caller. However, Bansal teaches when a caller desires to reach a telephone number which is producing a busy signal, the caller can currently dial the operator and for a special charge, have the operator connect the caller into the called party's existing telephone call (see col. 1, Ins 12-18). Therefore, integrating Bansal's teachings into the communication assistance system of Devillier would have been obvious for recurring the cost of service.

**Regarding claim 2**, Bansal teaches the receiving step includes receiving said call request at a voice network operator position system managed by a live communication assistance service entity and running a service package application software program (see col. 1, Ins 12-18).

**Regarding claim 3**, Devillier teaches the receiving step includes receiving said call request at a voice network operator position system managed by an automated communication assistance service entity and running a service package application software program (see col. 3, In 66-col. 4, In 38 and col. 5, Ins 30-57).

**Regarding claim 4**, Devillier teaches the notifying step includes (a) said communication assistance service entity instructing a service package application program running on said voice network resource to issue a call alert request message containing said call request information, (b) a data network server resource being advised of said call alert request message, and (c) said data network server resource sending a call alert message to a data network client resource associated with said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 5**, Devillier teaches the notifying step further includes said voice network resource sending said call alert request message to an intelligent network resource, and said intelligent network resource issuing a call alert query to said data network server resource (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 6**, Devillier teaches the notifying step further includes said voice network resource indicating to said intelligent network resource that said call alert request message is from said communication assistance service entity and said intelligent network resource issuing said call alert query without billing verification of said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 7**, Devillier teaches the notifying step further includes said voice network resource indicating to said intelligent network resource that said call alert request message is from said communication assistance service entity and said intelligent network resource issuing said call alert query without subscriber verification of said on-line user (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**Regarding claim 8**, Devillier teaches the notifying step further includes said data network server resource sending said call alert message to said data network client resource only upon said on-line user being verified by said data network server to be

actively available for call alerting service (see col. 3, ln 66-col. 4, ln 38 and col. 5, lns 30-57).

**As to claims 9-10**, they are rejected for the same reasons set forth to rejecting claim 1.

**As to claim 11**, it is rejected for the same reasons set forth to rejecting claims 1-6 above, since claim 11 is merely a system for implementing the method defined in the method claims 1-6.

**As to claims 12-14**, they are rejected for the same reasons set forth to rejecting claims 5-7 above, since claims 12-14 are merely a system for implementing the method defined in the method claims 5-7.

**As to claim 15**, it is rejected for the same reasons set forth to rejecting claim 1 above, since claim 15 is merely a system for implementing the method defined in the method claim 1.

**As to claims 16-17**, they are rejected for the same reasons set forth to rejecting claim 2 above, since claims 16-17 are merely a system for implementing the method defined in the method claim 2.

**As to claims 18-22**, they are rejected for the same reasons set forth to rejecting claims 4-8 above, since claims 18-22 are merely a system for implementing the method defined in the method claims 4-8, respectively.

**As to claims 23-24**, they are rejected for the same reasons set forth to rejecting claim 1 above, since claims 23-24 are merely a system for implementing the method defined in the method claim 1.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Norris et al (US Pat No. 5,805,587) disclose a call notification feature for a telephone line connected to the Internet.

Bauer et al (US Pat No. 6,310,946) disclose a method for interrupting a busy destination.

Smock et al (US Pat No. 6,377,668) disclose a Internet priority call device.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Oct 19, 2003

  
BING BUI  
PATENT EXAMINER